



# City of Marietta

## Meeting Minutes

### CITY COUNCIL

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, March 10, 2010

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Philip M. Goldstein, Jim King, Rev. Anthony Coleman, Johnny Sinclair, Grif Chalfant, Annette Lewis and Van Pearlberg

***Also Present:***

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Stephanie Guy, City Clerk*

### CALL TO ORDER:

*Mayor Tumlin called the meeting to order at 7:13 p.m.*

### INVOCATION:

*Council Member introduced Vesey Banuel, 2nd Grade, A.L. Burruss Elementary School for the invocation.*

### PLEDGE OF ALLEGIANCE:

*Mayor Tumlin also asked Vesey Banuel to lead the pledge of allegiance.*

### PRESENTATIONS:

**20100246      Distinction for Excellence - Alarm Ordinance**

Presentation of an award from Mr. Glen Mowrey, Security Industry Alarm Coalition Director's Award, to the Marietta Police Department, Chief Daniel Flynn, for Distinction of Excellence in Alarm Management for the city of Marietta's Alarm Ordinance and how the program is managed.

**This matter was Presented**

### PROCLAMATIONS:

**20100247 Recognition of Darrell Dickerson**

Presentation of a Proclamation recognizing Darrell Dickerson who faithfully served the citizens and customers of the city of Marietta/BLW for 38 years for his generous creation of an endowment for the "Marietta First Award" presented to employees annually for consistently putting Marietta first in their actions and deeds.

**Not Present**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).

*The following amendments were made to the consent agenda:*

*-under Ordinances: Agenda item 20100085 was amended to read, "Motion to approve the rezoning request for property located at 1580 and 1584 Terrell Mill Road, with the stipulation letter dated March 10, 2010 from Kevin Moore. Item 2 of the stipulation letter was amended to read, "...reserving the right to utilize the donated land for purposes of meeting any applicable setback, buffer, or stormwater requirements for measurement purposes only."*

*-under Ordinances: Agenda item 20100101 was amended to read, "Motion to approve the request rezoning for property located at 578 Anderson Road, with the stipulation that the City shall not be required to construct or otherwise improve the road leading to the property."*

*-under Judicial/Legislative: Agenda item 20100092 was removed from the consent agenda.*

*-under Other Business: Agenda item 20100294, 20100295 and 20100296 were added to the consent agenda. Agenda item 20100296 was amended to read, "Motion to authorize advertisement that the City is interested in obtaining land for parks, trails and green space through gift or purchase in the City of Marietta."*

*A motion was made by Council member Goldstein, seconded by Council member Coleman, to suspend the rules of order to add items to the consent agenda regarding the purchase of property. The motion carried by the following vote:*

*Vote: 7 – 0 – 0                      Approved  
(See agenda items 20100300 and 20100302)*

*Mayor Tumlin opened the public hearing for items on the consent requiring a public hearing. Seeing no one wishing to speak, the public hearing was closed.*

**A motion was made by Council member Sinclair, seconded by Council member Lewis, to approve the consent agenda as modified.**

*Council member Goldstein left the room during the discussion.*

*Discussion was held regarding agenda item 20100280 Additional Unexpired Contracts. Agenda item 20100280 was amended to exclude contracts 2907 and 799.*

*Council member Sinclair amended the motion to approve the consent agenda with the additional amendment. Council member Lewis accepted the amendment as she seconded the motion.*

*Council member Goldstein returned to the dais.*

**The motion unanimously carried by the following vote:**

**Vote: 7 - 0 - 0                      Approved**

*with the following exceptions:*

*Council member Goldstein abstains on agenda items 20100244 and 20100280*

\*

**MINUTES:**

**20100240            Regular Meeting - February 10, 2010**

Review and approval of the February 10, 2010 regular meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0                      Approved**

**MAYOR'S APPOINTMENTS:**

**CITY COUNCIL APPOINTMENTS:**

**20100007            Board of Lights and Water - Citizen Member**

Appointment to the Marietta Board of Lights and Water (citizen member) to fill an expired term.

*A motion was made by Council member Coleman, seconded by Council member Sinclair, to appoint Terry Lee to the Marietta Board of Lights and Water.*

*A substitute motion was made by Council member King, seconded by Council member Pearlberg, to interview the candidates who submitted applications for the vacancy. The motion failed by the following vote:*

*Vote: 3 - 4 - 0                      Failed*

*Voting against: Rev. Anthony Coleman, Johnny Sinclair, Grif Chalfant and Philip M. Goldstein*

*Mayor Tumlin called for a vote on the original motion.*

*Motion to appoint Terry Lee to the Marietta Board of Lights and Water (citizen member) for a four-year term expiring March 10, 2014.*

The motion was made by Council member Coleman, seconded by Council member Sinclair, that this matter be Approved. The motion carried by the following vote:

**Vote: 5 – 0 – 2                      Approved**  
Voting Against: Jim King and Van Pearlberg

- \*                      **20100126      Marietta Redevelopment Corporation (MRC) Board of Directors**
- Re-appointment of Ray Buday, Mark Gibbs, Ron Francis, Terry Lee, and John Schupp to the Marietta Redevelopment Corporation (MRC) Board of Directors for a two-year term, expiring April 10, 2012.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

- \*                      **20100151      Planning Commission Appointment**
- Reappointment of Kenneth Carter to the Planning Commission (Ward 5) for a term of three years, effective March 11, 2010 and expiring on March 12, 2013.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

- \*                      **20100156      Ethics Committee Council Appointment**
- Re-appointment of Rev. James O. Speed to the Ethics Committee for a two year term expiring April 9, 2012.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

- \*                      **20100157      Ethics Committee Appointment**
- Re-appointment of Jerry Gentry to the Ethics Committee for a two-year term that expires on May 8, 2012, as recommended by the Ethics Committee.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

## **ORDINANCES:**

- \*        **20100085        Z2010-02 Reformed Theological Seminary 1580 and 1584 Terrell Mill Road**  
[Ord 7448](#)        Z2010-02 [REZONING] REFORMED THEOLOGICAL SEMINARY request rezoning for property located in Land Lots 801 and 855, District 17, Parcels 15 and 7, 2nd Section, Marietta, Cobb County, Georgia and being known as 1580 and 1584 Terrell Mill Road from CRC (Community Retail Commercial) to CRC with stipulations (Community Retail Commercial with stipulations), with the stipulation as follows:  
  
             The stipulation letter dated March 10, 2010 from Kevin Moore shall be incorporated as part of the rezoning. Item 2 of the stipulation letter shall be amended to read, "...reserving the right to utilize the donated land for purposes of meeting any applicable setback, buffer, or stormwater requirements for measurement purposes only."  
  
             *Motion to approve the rezoning request for property located at 1580 and 1584 Terrell Mill Road, with the stipulation letter dated March 10, 2010 from Kevin Moore. Item 2 of the stipulation letter was amended to read, "...reserving the right to utilize the donated land for purposes of meeting any applicable setback, buffer, or stormwater requirements for measurement purposes only."*  
  
             **This Matter was Approved as Amended on the Consent Agenda.**  
  
             **Vote: 7 - 0 – 0                    Approved**
- \*        **20100101        Z2010-04 William Kendrick (Ken) Kirk a portion of 578 Anderson Road**  
[Ord 7449](#)        Z2010-04 [REZONING] MARK KIRK (WILLIAM KENDRICK "KEN" KIRK) request rezoning for property located in Land Lot 289, District 20, Parcel 1050, 2nd Section, Marietta, Cobb County, Georgia and being known as a portion of 578 Anderson Road from R-20 [Single Family Residential (County)] to R-2 [Single Family Residential 2 units/acre (City)], with the stipulation that the City shall not be required to construct or otherwise improve the road leading to the property.  
  
             *Motion to approve the request rezoning for property located at 578 Anderson Road, with the stipulation that the City shall not be required to construct or otherwise improve the road leading to the property.*  
  
             **This Matter was Approved as Stipulated on the Consent Agenda.**  
  
             **Vote: 7 - 0 – 0                    Approved**
- \*        **20100102        A2010-01 William Kendrick (Ken) Kirk a portion of 578 Anderson Road**  
[Ord 7450](#)        A2010-01 [ANNEXATION] MARK KIRK (WILLIAM KENDRICK "KEN" KIRK) request annexation for property located in Land Lot 02890, District 20, Parcel 1050 and being known as a portion of 578 Anderson Road, 2nd Section, Cobb County, Georgia consisting of 0.5 acres. Ward 4.  
  
             **This Matter was Approved on the Consent Agenda.**  
  
             **Vote: 7 - 0 – 0                    Approved**

- \*        **20100103     CA2010-01 William Kendrick (Ken) Kirk a portion of 578 Anderson Road**
- CA2010-01 [CODE AMENDMENT] MARK KIRK (WILLIAM KENDRICK “KEN” KIRK) in conjunction with the requested annexation of property located in Land Lot 289, District 20, Parcel 1050, 2nd Section, Marietta, Cobb County, Georgia, and being known as a portion of 578 Anderson Road, the City of Marietta proposes to designate the Future Land Use of said property as LDR (Low Density Residential). Ward 4.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                    Approved**

- \*        **20100244     Code Enforcement - 921 Westland Drive**
- [Ord 7452](#)     An ordinance authorizing the removal of overgrown grass, weeds and obnoxious vegetation, along with trash and debris, rendering sanitary property in the corporate limits of the City of Marietta, Georgia at 921 Westland Drive.  
Listed Owner: Bank of America  
Repeat Violation History: None  
Certified mail receipt received February 8, 2010; not signed by an Officer.  
Taxes paid: Yes

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 – 0                    Approved**  
Abstaining: Philip M. Goldstein

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

**CITY MANAGER'S REPORT:**

**MAYOR'S REPORT:**

**COMMITTEE REPORTS:**

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**

- \*        **20100199     Fiscal Year 2010 Gone with the Wind Museum Fund**
- [Ord 7453](#)     Approval of an Ordinance amending the Fiscal Year 2010 Gone with the Wind Museum Fund to appropriate proceeds from the re-premier special event to cover the cost of expenses.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                    Approved**

**3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

\* **20100092** Historic Preservation Ordinance

[Ord 7454](#)

Approval of the proposed Historic Preservation Ordinance.

*A motion was made by Council member King, seconded by Council member Sinclair, to approve the proposed Historic Preservation Ordinance, as amended.*

*Mayor Tumlin called forward those wishing to speak regarding this matter.*

*Larry Wills, who resides at 60 Oakmont Drive, expressed concern regarding the proposed changes to the Historic Preservation Ordinance and asked that this matter be table for further review.*

*Martin Kendall, who resides at 343 Kennesaw Avenue, expressed concern regarding the proposed changes and asked that the opt out close be included in the ordinance.*

*Steve Imler, who resides at 599 Church Street, also expressed concern regarding the proposed changes and asked that the opt out close be included.*

*A motion to amend the motion was made by Council member Goldstein, seconded by Council member King, to amend Section 7-8-9-060 B (1-c) to read, "Subject to 7-8-9.050(B)(2), nothing contained herein shall be construed as to prevent a new building being constructed in any historic district. The Commission shall not arbitrarily or unreasonably prevent a new building being constructed in any historic district". The motion carried by the following vote:*

*Vote: 7 - 0 - 0                      Approved*

*A motion to amend the motion was made by Council member Goldstein, seconded by Council member Lewis, to amend the ordinance to add the opt out provision.*

*A substitute motion was made by Council member King to not include the opt out provision.*

*A substitute motion was made by Council member Goldstein, seconded by Council member Lewis, to add the opt out provision.*

*Council member King called the question on the substitute motion made by Council member Goldstein. The motion to call the question passed by the following vote:*

*4 - 0 - 3                      Approved*

*Voting Against: Philip M. Goldstein, Johnny Sinclair and Rev. Anthony Coleman*

*Mayor Tumlin called for a vote on the substitute motion made by Council Member Goldstein. The motion failed by the following vote:*

*3 - 0 - 4                      Failed*

*Voting Against: Jim King, Van Pearlberg, Grif Chalfant and Johnny Sinclair*

*Mayor Tumlin called for a vote on the substitute motion made by Council Member King. The motion carried by the following vote:*

*4 - 0 - 3                      Approved*

*Voting Against: Rev. Anthony Coleman, Annette Lewis and Philip M. Goldstein*

*Mayor Tumlin called for a vote on the amendment to the motion made by Council Member Goldstein. The motion failed by the following vote:*

3 - 0 - 4

*Failed*

*Voting Against: Jim King, Van Pearlberg, Grif Chalfant and Johnny Sinclair*

*Mayor Tumlin called for a vote on the original motion made by Council Member King, as amended. The motion carried by the following vote:*

4 - 0 - 3

*Approved*

*Voting Against: Rev. Anthony Coleman, Annette Lewis and Philip M. Goldstein*

\*

**20100179**

**Amendment of 2008 Order of Bond Schedule**

Approval of an Ordinance amending the current Order of Bond Schedule to reflect changes to bond amounts for offenses of shoplifting and various tag violations.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

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**20100214**

**Property Management Agreement**

Motion approving the attached Property Management Agreement between the city of Marietta and the Marietta Housing Authority for Preston Chase Apartments.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

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**20100206**

**Unexpired contracts**

Motion to ratify certain unexpired contracts in accordance with section 36-30-3 of the Official Code of Georgia Annotated (O.C.G.A.) with the ability to terminate in 60 days.

- Contract No. 634 - Administrative Services Agreement for retirement plan with the International City Management Association Retirement Corporation. The contract is ongoing w/60-day termination clause.
- Contract No. 1439 Deferred Compensation Plan with Nationwide (formerly known as PEBSCO). The agreement is ongoing (at will).
- Contract Nos. 1366 & 1370 Temporary License Agreement & Release Indemnity Agreement with Richard L. Moore (Now the Estate of Richard L. Moore). The agreements are ongoing (at will).
- Contract No. 1900A Life Insurance for employees with MetLife. The agreement is ongoing w/30-day termination notice.
- Contract No. 2982 Consultant Fire & Police Testing agreement with James Austin. The agreement will be in effect until completed w/10-day termination notice.
- Contract 3315 & 3545 Independent Contractor Agreement and amendment to the agreement with Classic Golf Management, Inc., for the day-to-day operations of the City Club Marietta effective January 1, 2007. Expires 10/1/2010
- Contract 3423 License Agreement with the Friends of Brown Park establishing rights, responsibilities and ownership of improvements contracted for, or completed, to Brown Park by the Friends of Brown Park. Effective July 11, 2007 - Expires July 1, 2017



-Contract 3669 Lease Contract for the Clarke Library (156 Church Street) between the City of Marietta and K. Mike Whittle Designs, Inc. Effective June 11, 2009 - Expires December 31, 2014, unless sooner terminated with 60 day notice.

-Contract 3535 An Agreement approving the assignment of the rights and responsibilities of American Transit Systems Inc., in Agreement number 1864 "Bus Stop Shelter Agreement" between the city and American Transit System, to Signal Outdoor Advertising, LLC. Approved May 12, 2008 for five years and shall automatically renew for an additional two successive five year terms.

- Contract No. 3618 Pension Contracts Investment Management Services City of Marietta/BLW Defined Benefit Pension Plan; City of Marietta/BLW Define Benefit Pension Plans Investment Documents; City of Marietta/BLW Define Pension Plans Investment Documents; Investment Management Agreement to appoint Victory Capital Management, Inc. as Investment Manager for the City of Marietta. Approved January 14, 2009

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0                      Approved**

\*                      **20100280      Additional Unexpired contracts**

Motion to ratify certain unexpired contracts in accordance with section 36-30-3 of the Official Code of Georgia Annotated (O.C.G.A.) with the ability to terminate in 60 days.

-Contract 3696 Temporary Revocable License Agreement between the City of Marietta and the Theatre in the Square to encroach on city right-of-way to support three (3) columns to support a new building façade and marquee. Approved July 8, 2009.

Disclosure by Councilman Philip M. Goldstein:

Theatre in the Square, Inc. is a Tenant of mine at this address. I abstain from this issue dealing with Theatre in the Square, Inc.

*Motion to ratify the following unexpired contract(s) in accordance with section 36-30-3 of the Official Code of Georgia Annotated (O.C.G.A.) with the ability to terminate in 60 days.*

-Contract 3696 Temporary Revocable License Agreement between the City of Marietta and the Theatre in the Square to encroach on city right-of-way to support three (3) columns to support a new building façade and marquee. Approved July 8, 2009.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 - 0                      Approved**

Abstaining: Philip M. Goldstein

\*                      **20100245      City Charter Amendment regarding Agenda Work Sessions**

Resolution to the Cobb Delegation regarding an amendment to Charter Section 2.9 relative to Council meetings, regular and special.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

**\*                      20100073      Street Closures**

Motion to temporarily close streets and parking spaces for the Glover Park Concert Series; Taste of Marietta; May-retta Daze Spring Arts and Crafts Show; 97.1 Wing and Rock Fest; Juneteenth; Fourth in the Park parade and festival; Labor Day Fine Art Show (Art in the Park); Antique Street Festival; Marietta Reads; Cobb Community Services Board Book Faire on the Square; Harvest Square Arts and Crafts Show/Halloween Happenings; Atlanta Buddy Walk; MUST Ministries Gobble Jog; and, Farmer's Market: and, approve the city sanctioning of the 97.1 Wing and Rock Fest.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*                      20100197      Laurel Park Tennis Center Contract**

Motion approving the extension of the existing Laurel Park Tennis Center Independent Contractor Agreement with Allcourt, Inc. on a month-to-month basis while bids are being considered.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Jim King, Chairperson**

**\*                      20100243      Adams Circle and Gunter Street Temporary Closure for Construction**

Motion approving a 120 day closure of Adams Circle and Gunter Street by Marietta Housing Authority for construction purposes and authorizing Public Works Department to administratively extend closure as necessary.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

*Mrs. Lisa Wilson Taylor spoke on behalf of the Marietta Citizens Committee, requesting that Council consider replacing or repairing the Lawrence Street pool for the community.*

**OTHER BUSINESS:**

- \*           **20100265      123 Thurmond Court Right of Way Donation**
- Motion approving donation of Right of Way fronting Henry Drive and Thurmond Court at 123 Thurmond Court by Marietta Housing Authority to provide sufficient right of way to encompass the sidewalks.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0            Approved**
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- \*           **20100286      903 Roswell Street**
- Motion authorizing acquisition of Right of Way at 903 Roswell Street in exchange for \$26,400 from Chi Lap, LLC for Roswell Street Improvements (Victory Drive to Cobb Parkway) Project.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0            Approved**
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- \*           **20100284      Temporary Construction Easements for Charles Avenue Drainage Improvements Project**
- Motion accepting donation of temporary construction easements for drainage improvements along Charles Avenue from the following properties:
- 131 Charles Avenue from Elvine Olberg Jr. with stipulation front yard to be graded flush to back of curb.
- 145 Charles Avenue from Scarlett Malpass.
- 155 Charles Avenue from Ovaline Yearwood with stipulation City to remove pecan tree and all limbs, stumps and debris.
- 165 Charles Avenue from Dennis L. Moore.
- 173 Charles Avenue from Janet R. Lawrence.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 - 0 – 0            Approved**
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- \*           **20100287      308 N. Fairground Street**
- Motion to authorize the acquisition of property owned by Mr. Edward R. Ruddell, Jr. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*                      20100288      316 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Edward R. Ruddell, Jr. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*                      20100289      354 N. Fairground Street**

Motion to authorize the acquisition of property owned by Mr. Edward R. Ruddell, Jr. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

**\*                      20100290      504 Birney Street**

Motion to authorize the acquisition of property owned by Ms. Mary R. Coulter on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                      Approved**

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\*                    **20100291    505 Birney Street**

Motion to authorize the acquisition of property owned by Mr. Edward R. Ruddell, Jr. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                    Approved**

\*                    **20100292    508 Morningside Drive**

Motion to authorize the acquisition of property owned by Mr. Edward R. Ruddell, Jr. & Mr. Phillip A. Thomas, Jr. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                    Approved**

\*                    **20100294    Parks Design**

Motion to authorize the City Manager to take any and all actions necessary for bidding out professional services for parks design associated with the 2009 Parks Bond.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                    Approved**

\*                    **20100295    Wildwood and Burruss Parks**

Motion to authorize staff to work with the owner of property that would allow the City to connect Wildwood and Burruss Parks.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0                    Approved**

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\*           **20100296    Parks Land**

Motion to authorize advertisement that the City is interested in obtaining land for parks, trails and green space through gift or purchase in the City of Marietta.

*Motion to authorize advertisement that the City is interested in obtaining land for parks, trails and green space through gift or purchase in the City of Marietta.*

**This Matter was Approved as Amended on the Consent Agenda.**

**Vote: 7 - 0 – 0            Approved**

\*           **20100241    BLW Actions of March 8, 2010**

Review and approval of the March 8, 2010 actions and minutes of the Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0            Approved**

\*           **20100300    585 Franklin Road**

Motion authorizing acquisition of Right of Way at 585 Franklin Road from Nazareth Plaza, LLC for \$65,000.00 for the purpose of the Franklin Road (South Marietta Parkway to Delk Road) Project.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0            Approved**

\*           **20100302    Property Condemnation - 496 Seminole Drive**

Motion to authorize the acquisition of property owned by Dehco, Inc. on behalf of the City of Marietta by means of eminent domain. A description of the interest to be acquired is attached hereto and incorporated herein by reference, including the legal description of the property and a survey of such property. The city attorney is hereby authorized and directed to take any and all action necessary to acquire such property by virtue of eminent domain, including the right to file any appeals in such case. The Order Authorizing Condemnation attached is incorporated herein by reference.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 – 0            Approved**

**ADJOURNMENT:**

*The meeting was adjourned at 8:08 p.m.*

**Date Approved:** 04/14/10

**R. Steve Tumlin, Mayor**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**